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10/730,435	12/08/2003	Babu K. Chandrasekhar	DC-05370	2340

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EXAMINER	
RAMPURIA, SATISH	
ART UNIT	PAPER NUMBER
2191	

NOTIFICATION DATE	DELIVERY MODE
08/27/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/730,435	CHANDRASEKHAR ET AL.	
	Examiner	Art Unit	
	SATISH S. RAMPURIA	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/14/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. This action is in response to the amendment filed on 05/27/2008.

2. Claims 1-20 are pending.

Response to Arguments

3. Applicant's arguments filed 05/27/2008 have been fully considered but they are not persuasive.

(A) With respect to double patenting rejection the rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in at least one of the applications. See MPEP §804.

(B) With respect to arguments that the combination of Feinman and Jain fails to teach the limitation "identifying and remove redundant program files" and alleges that Jain only teaches deleting the links to the redundant files as recited in claims 1, 8, and 15. Examiner respectfully disagrees. It is noted that the rejection clearly points out where the combination of Feinman and Jain teach the claimed features and why it would have been obvious to combine their teachings. More specifically, the rejection points out that Jain teaches the limitations "identifying and remove redundant program files" lacks by Feinman. Jain not only discloses removing the links to the redundant files but also discloses removing duplicate files, conflicting files, excess processed files, see

(paragraph [0025], [0034], [0037], [0038]). Applicant only makes general allegations and does not point out any errors in the rejection. Therefore, the rejection is proper and maintained herein.

Information Disclosure Statement

4. An initialed and dated copy of Applicant's IDS form 1449 filed on 08/14/2008 is attached to the instant Office action.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 4, 5-8, 11-15, 18-20 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 5-8, 11-15, 18-20 of copending Application No. 10/657,989 (hereinafter '989). Although

the conflicting claims are not identical, they are not patentably distinct from each other because: see the observation below.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Instant Claim	'989 Claim
1. A system for automated dissemination of software to an information handling system, comprising: a distribution server operable to receive a software application file; a repack and script regeneration server operably connected to said distribution server, said repack and script server operable to: disassemble said software application file into a plurality of individual program files; generate an index of said individual program files; identify and remove redundant program files; generate a composite program file library containing a plurality of said program files; and generate scripts for automatically controlling the transfer of said program files to an information handling system; and a download server operable to transfer said software to a target information handling system.	1. A system for automated dissemination of software to an information handling system, comprising: a distribution server operable to receive a software file; a repack and script regeneration server operably connected to said distribution server, said repack and script server operable to disassemble said software file and repackage said software file with scripts for automatically controlling the transfer of said software files; a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of software images of said software file to a target information handling system; and a download server operable to transfer said

2. The system of claim 1, further comprising a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of said program files to a target information handling system.	software to a target information handling system after verification that said software file complies with a set of predetermined parameters.
4. The system of claim 1, wherein said distribution server is operable to scan said software file for viruses.	4. The system of claim 1, wherein said distribution server is operable to scan said software file for viruses.
5. The system of claim 1, further comprising a test control server operable to confirm the download of said software file to said target information handling system and to verify proper operation of said software file on said target information handling system. 6. The system of claim 1 wherein said distribution server is operable to notify a	5. The system of claim 1, further comprising a test control server operable to confirm the download of said software file to said target information handling system and to verify proper operation of said software file on said target information handling system. 6. The system of claim 1 wherein said distribution server is operable to notify a

manager regarding the status of the software file within the software distribution system.	manager regarding the status of the software file within the software distribution system.
7. The system of claim 1 further comprising an archive server, wherein said repack and script regeneration server is operable to transfer copies of composite program file library to said archive server for storage thereon.	7. The system of claim 1 further comprising an archive server, wherein said repack and script regeneration server is operable to transfer copies of said repackaged software file to said archive server for storage thereon.
8. A method for automated dissemination of software to an information handling system, comprising: receiving a software application file; disassembling said software application file into a plurality of individual program files; generating an index of said individual program files; identifying and removing redundant program files; generating a composite program file library containing a plurality of said program files; and transferring said software to a target	8. A method for automated dissemination of software to an information handling system, comprising: receiving a software file; disassembling said software file and repackaging said software file with scripts for automatically controlling the transfer of said software file; generating commands to control the automatic downloading of software images of said software file to a target information handling system; and transferring said software to a target

information handling system.	information handling system after verification that said software file complies with a set of predetermined parameters.
11. The method of claim 8, further comprising the step of scanning said software file for viruses.	11. The method of claim 8, further comprising the step of scanning said software file for viruses.
12. The method of claim 8, further comprising the steps of confirming the download of said software file to said target information handling system and verifying proper operation of said software file on said target information handling system.	12. The method of claim 8, further comprising the steps of confirming the download of said software file to said target information handling system and verifying proper operation of said software file on said target information handling system.
13. The method of claim 8, further comprising the step of notifying a manager regarding the status of the software file within the software distribution system.	13. The method of claim 8, further comprising the step of notifying a manager regarding the status of the software file within the software distribution system.
14. The method of claim 8, further	14. The method of claim 8, further comprising the step of transferring copies

comprising the step of transferring copies of said composite program file library to an archive server for storage thereon.	of said repackaged software file to an archive server for storage thereon.
15. An information handling system, comprising: a data processor; data storage having a software file stored thereon, said software file being transferred to said data storage by an automated software dissemination system comprising: a distribution server operable to receive a software application file; a repack and script regeneration server operably connected to said distribution server, said repack and script server operable to: disassemble said software application file into a plurality of individual program files; generate an index of said individual program files; identify and remove redundant program files; generate a composite program file library containing a plurality of said program files; generate	15. An information handling system, comprising: a data processor; data storage having a software file stored thereon, said software file being transferred to said data storage by an automated software dissemination system comprising; a distribution server operable to receive a software file; a repack and script regeneration server operably connected to said distribution server, said repack and script server operable to disassemble said software file and repackage said software file with scripts for automatically controlling the transfer of said software files; a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate

scripts for automatically controlling the transfer of said program files to an information handling system; and a download server operable to transfer said software to a target information handling system.	commands to automatically control the downloading of software images of said software file to said information handling system; and a download server operable to transfer said software to said information handling system after verification that said software file complies with a set of predetermined parameters.
18. The information handling system of claim 15, wherein said distribution server is operable to scan said software file for viruses.	18. The system of claim 15, wherein said distribution server is operable to scan said software file for viruses.
19. The information handling system of claim 15, further comprising a test control server operable to confirm the download of said software file to said information handling system and to verify proper operation of said software file on said target information handling system.	19. The system of claim 15, further comprising a test control server operable to confirm the download of said software file to said information handling system and to verify proper operation of said software file on said target information handling system.

20. The information handling system of claim 15 wherein said distribution server is operable to notify a manager regarding the status of the software file within the software distribution system.	20. The system of claim 15 wherein said distribution server is operable to notify a manager regarding the status of the software file within the software distribution system.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3, 5-7, 8-10, 12-17, 19, 20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over US Patent No. 6,075,943 to Feinman (hereinafter, Feinman) in view of US Publication No. 2004/0019888 to Jain et al. (hereinafter, Jain).

Per claim 1:

Feinman discloses:

1. A system for automated storing of software on an information handling system, comprising:

a distribution server operable to receive a software application file (col. 1, lines 53-55 "remotely transferring... application programs or files from a source computer onto a remote client");

a repack and script regeneration server coupled to said distribution server (col. 2, lines 37-38 "packing process packages up the identified application into a compressed file"), said repack and script server operable to:

disassemble said software application file into a plurality of individual program files (col. 1, lines 59-60 "The compressed file is then unpacked on the remote client");

generate an index of said individual program files (Feinman teaches decompression of an application and stores into a subdirectory, it would be inherent to generate the index for each decompress files (col. 2, lines 39-42));

generate a composite program file library containing a plurality of said program files (col. 1, lines 60-62 "the result of the decompression yields a similar sub-directory structure to that of the remote client"); and

generate scripts for automatically controlling the transfer of said program files to an information handling system (col. 2, lines 42-44 "The system in step 14 determines the delivery points and when specific application program(s) need to be delivered to these delivery points"); and

a download server configure to store said program files on a storage medium on a target information handling system (col. 3, lines 4-5 "server 11 shown has application

programs which require automatic delivery to the remote clients 13").

Feinman does not explicitly disclose identify and remove redundant program files.

However, Jain discloses in an analogous computer system identify and remove redundant program files (paragraph [0008] "Any subdirectories pointed to by any of the plurality of links that contain redundant files are detected and any links pointing to redundant files are removed from the primary directory").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of identify and remove redundant program files as taught by Jain into the method of packing and unpacking the software application and installing software application into a computer system as taught by Feinman. The modification would be obvious because of one of ordinary skill in the art would be motivated to identify and remove redundant program files to minimize the installation time and saving the computer memory as suggested by Jain (paragraph [0005]).

Per claim 2:

The rejection of claim 1 is incorporated and further, Feinman discloses:

2. The system of claim 1, further comprising a script validation server coupled to said repack and script regeneration server and said distribution server, said script validation server configured to generate commands to automatically control the downloading of said program files to a target information handling system (FIG. 1B, element 11 and FIG.

7, element 3; col. 3, lines 44-67 and col. 4, lines 1-4).

Per claim 3:

The rejection of claim 1 is incorporated and further, Feinman discloses:

3. The system of claim 1, wherein said download server comprises a software image cache, said composite program file library being stored in said software image cache (col. 1, lines 60-62 "the result of the decompression yields a similar sub-directory structure to that of the remote client").

Per claim 5:

The rejection of claim 1 is incorporated and further, Feinman discloses:

5. The system of claim 1, further comprising a test control server configured to confirm the download of said software file to said target information handling system and to verify proper operation of said software file on said target information handling system (FIG. 5, element 70; col. 3, lines 40-43, and col. 5, liens 18-21).

Per claim 6:

The rejection of claim 1 is incorporated and further, Feinman discloses:

6. The system of claim 1 wherein said distribution server is configured to notify a manager regarding the status of the program files within the software distribution system (col. 2, lines 60-63 "The automatic installation system, in step 24, verifies, through several checks, that each application program was installed successfully. The automatic

installation system maintains three logs; a summary log, an error log and a full log").

Per claim 7:

The rejection of claim 1 is incorporated and further, Feinman discloses:

7. The system of claim 1 further comprising an archive server, wherein said repack and script regeneration server is configured to transfer copies of composite program file library to said archive server for storage thereon (col. 3, lines 20-25 "an application program consists of multiple subdirectories, all subdirectories the application program uses are remembered in the compressed file... the decompression process needs to recreate the exact directory structure").

Per claim 8:

Feinman discloses:

8. A method for automated dissemination of software to an information handling system, comprising:

receiving a software application file (col. 1, lines 53-55 "remotely transferring... application programs or files from a source computer onto a remote client");

disassembling said software application file into a plurality of individual program files (col. 1, lines 59-60 "The compressed file is then unpacked on the remote client");

generating an index of said individual program files (Feinman teaches decompression of an application and stores into a subdirectory, it would be inherent to generate the index for each decompress files (col. 2, lines 39-42));

generating a composite program file library containing a plurality of said program files (col. 1, lines 60-62 "the result of the decompression yields a similar sub-directory structure to that of the remote client"); and

transferring said software to a target information handling system (col. 3, lines 4-5 "server 11 shown has application programs which require automatic delivery to the remote clients 13").

Feinman does not explicitly disclose identifying and removing redundant program files.

However, Jain discloses in an analogous computer system identifying and removing redundant program files (paragraph [0008] "Any subdirectories pointed to by any of the plurality of links that contain redundant files are detected and any links pointing to redundant files are removed from the primary directory").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of identifying and removing redundant program files as taught by Jain into the method of packing and unpacking the software application and installing software application into a computer system as taught by Feinman. The modification would be obvious because of one of ordinary skill in the art would be motivated to identifying and removing redundant program files;

to minimize the installation time and saving the computer memory as suggested by Jain (paragraph [0005]).

Claims 9, 12, 10 are the method claim corresponding to system claims 2, 5, 3 and rejected under the same rational set forth in connection with the rejection of claims 2, 5, 3 above.

Claims 13 are the method claim corresponding to system claims 6, and rejected under the same rational set forth in connection with the rejection of claims 6, above.

Claims 14 is the method claim corresponding to system claims 7 and rejected under the same rational set forth in connection with the rejection of claims 7, above.

Claims 15, 20 are the apparatus claim corresponding to method claims 1 and 6 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1 and 6 respectively, above.

Claims 17, 16, 19 are the system claim corresponding to system claims 2, 5, 3 and rejected under the same rational set forth in connection with the rejection of claims 2, 5, 3, above.

8. Claims 4, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinman in view of Jain and further in view of US Patent No. 6,088,803 to Tso et al. (hereinafter, Tso).

Per claim 4:

The rejection of claim 1 is incorporated and further, neither Feinman nor Jain explicitly discloses wherein said distribution server is configured to scan said program files for viruses.

However, Tso discloses in an analogous computer wherein said distribution server is configured to scan said program files for viruses (FIG. 2, element 40; col. 2, lines 62-67; and col. 3, lines 1-5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein said distribution server is configured to scan said program files for viruses as taught by Tso in the method of software installation for a build-to-order as taught by the combination of Feinman and Jain. The modification would be obvious because of one of ordinary skill in the art would be motivated to wherein said distribution server is configured to scan said program files for viruses in order to minimize breaches in system integrity as suggested by Tso (col. 1, lines 27-28).

Claims 11 are the method claim corresponding to system claims 4 and rejected under the same rational set forth in connection with the rejection of claims 4, above.

Claims 18 is the system claim corresponding to system claims 4 and rejected under the same rational set forth in connection with the rejection of claims 4, above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satish S. Rampuria whose telephone number is (571) 272-3732. The examiner can normally be reached on 8:30 am to 5:00 pm Monday to Friday except every other Friday and Wednesday and federal holidays.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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